

Application Serial No.: 10/091,024  
Applicant(s): Houser et al.

Docket No.: N.C. 83,517

### REMARKS

Applicants wish to thank the Examiner for the courtesy of his comments in a phone conversation on March 16, 2006 with Applicants' representative, Steve Hunnius.

Claims 1-13 are pending in this application. Claims 1-13 have been rejected.

#### Oath/Declaration:

The declaration has been objected to because, as the Examiner states, there is a non-initialed and/or non-dated alteration.

Applicants respectfully submit that the declaration is in accordance with the applicable regulations, specifically 37 CFR 1.67(a) and 37 CFR 1.52(c). The Examiner states that a non-initialed and/or non-dated alteration was made and cites 37 CFR 1.52(c). Applicants respectfully submit that 37 CFR 1.52(c) states that any alteration must be made before the signing of the accompanying declaration. Applicants respectfully submit that the alteration was made prior to the signing of the document and therefore fully complies with the regulations. Furthermore, it is noted that 37 CFR 1.52(c) states that the alterations should be dated and initialed *or* signed by the applicant on the same sheet of paper. In the case where the applicant makes the change and then signs the document, Applicants respectfully submit that this complies with the applicable regulations.

#### Rejection under 35 USC 112, second paragraph

Claims 1 and 7 have been rejected under 35 USC 112, second paragraph, as being indefinite because, as the Examiner states, the exact meaning of "random" and "hyperbranched" is unclear.

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Claims 6 and 7 have been amended. Claims 1 and 7 no longer include the phrase "random" or "hyperbranched" and as such this rejection is removed.

Claims 5 and 11 have been rejected under 35 USC 112, second paragraph, as being indefinite because, as the Examiner states, the nature of the  $\text{Si}-(\text{CH}_2(\text{C}=\text{CH}_2)\text{CH}_2)-$  moiety is unclear.

Applicants wish to thank the Examiner for pointing this out and for making the suggestion that the moiety should be formulated as:  $\text{Si}-(\text{CH}_2(\text{CH}=\text{CH})\text{CH}_2)-$ . Applicants have amended Claims 6 and 11 accordingly.

The remaining claims have also been rejected under 35 USC 112, second paragraph, as claims which depend from indefinite claims are also indefinite.

Applicants respectfully state that, as explained above, this rejection is removed and that the claims are in condition for allowance. Applicants respectfully request reconsideration.

#### Allowable Subject Matter

Applicants wish to thank the Examiner for noting that the elected core has been searched and is deemed free of the prior art.

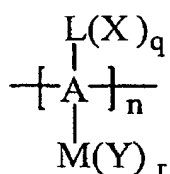
#### Double Patenting

Claims 1-13, in so far as they read on the species above, have been rejected under 35 USC 101 as claiming the same invention as that of claim 10 of prior US Patent No. 6,660,230 B2.

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Applicants respectfully submit the following traversal. The invention as claimed in Claims 1-13 concern a polymeric compound having a polymer backbone portion that is at least partly branched, at least one pendant arm extending from said polymer backbone, at least one halogen substituted alcohol or phenol group substituted at the pendant group(s) of the polymer backbone portion, wherein the compound has the general formula:

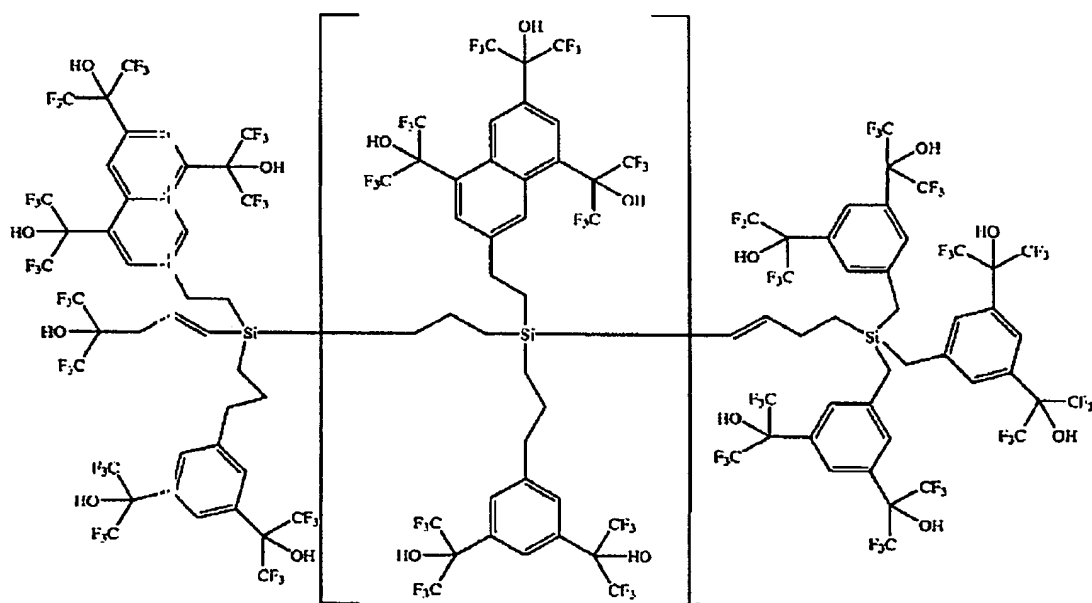


wherein A is the backbone portion of the polymer and L and M are independently selected pendant groups of the polymer backbone, X and Y are independently selected halogen substituted alcohol or phenol groups, and q and r are independently selected.

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Applicants respectfully submit that this invention as claimed is separate and distinct from the invention of claim 10 of prior US Patent No. 6,660,230 B2. The structure of claim 10 is shown below. Applicants respectfully submit that the invention as claimed in the present application is free of the prior art and respectfully request reconsideration as to such.



Claim 1 has been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over at least claim 1 of US Patent No. 6,617,040.

As suggested by the Examiner, a terminal disclaimer is enclosed and as such Applicants respectfully request reconsideration.

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### Conclusion

In conclusion, Applicants respectfully submit that the Examiner's Office Action has been fully responded to and that the claims are in condition for allowance. In the furtherance of compact prosecution, if a personal or telephone interview would help expedite matters, the Examiner is requested to contact Steve Hunnius at 202-404-1554.

Kindly charge any additional fees due, or credit overpayment of fees, to Deposit Account No. 50-0281.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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